

TOWN OF ACTON

472 Main Street Acton, Massachusetts 01720 Telephone (978) 264-9636 Fax (978) 264-9630 planning@acton-ma.gov

MEMORANDUM

To:

Planning Board

Date:

February 8, 2010

From:

Roland Bartl, AICP, Planning Director

Subject:

Michele Circle -

Application for Definitive Subdivision Plan Approval

Location:

348-352 Main Street

Owner/Applicant:

Walker Realty, LLC, 2 Lan Drive, Westford, MA

Engineer:

Hancock Associates

Units:

2 (on 2 lots)

Proposed Streets:

Michele Circle

Street length:

+/-126 feet to throat of cul-de-sac circle (263' to end)

Land area:

2.43 acres

Common Land:

none

Map/Parcel:

F-3/54, 61, 61-1

Zoning:

R-2

Hearing:

February 16, 2010

Decision due:

March 18, 2010

Attached for your review are the plan and application for the proposed "Michele Circle" definitive subdivision, and comments from other Town departments, committees, and agencies. Please review the other departmental comments. They are not necessarily repeated here.

This definitive plan application follows a definitive plan application, and approval on June 16, 2009 for Isaac Davis Circle. It appeared that the preliminary had been filed as a zoning freeze plan to lock in the zoning regulations for child care facilities as they existed prior to the June 23, 2009 Special Town Meeting. This definitive plan application now before the Board followed the preliminary within 7 months which preserves the statutory 8-year zoning freeze for the subdivision if/when it is approved.

I reviewed the plan and the application and can offer the following comments at this time.

Zoning Issue

• There is a shed on the abutting Post property about 12 feet from the lot line. The proposed subdivision street layout would convert the property line to the Posts from a side lot line to a frontage lot line and impose a 30-foot setback. The applicant does not have the right to cause through his actions a zoning violation on abutting property. This matter had been below the radar during the preliminary review.

The Posts would benefit from the proposed subdivision layout. It would change their lot from a pre-existing non-conforming lot (lot with building thereon but without frontage) into a lot that fully conforms to zoning (reduced frontage lot having at least 100 feet frontage and at least 40,000 square feet in area). Perhaps that is worth moving the shed. In any case, the subdivision cannot be approved a presently shown. Either the shed or the subdivision street layout needs to move.

Health Department Memo

• The Health Department reports that there are no tests in the areas of the proposed septic systems. The applicant's site engineer reports that the site in general (if not in the specific locations where the plan shows septic systems) was thoroughly tested for another development option and that she is confident that septic systems will work. The applicant has requested a waiver from SRR (Subdivision Rule and Regulations) 5.3.24. I recommend that this waiver not be granted. Presumably, there is no need to bringing this subdivision process to a swift conclusion. The applicant and the Board could agree to the necessary time extensions to allow percolation and deep hole testing in the coming spring.

Isaac Davis Way

 The proposed new street would overlay, and in part obstruct and reroute, the existing Isaac Davis Way, which is a private way. The applicant needs to identify the rights and limits of property owners along Isaac Davis Way, and document that he has indeed the right to relocate Isaac Davis Way near its end at Main Street.

Other

- 1. On the record plan, the proposed street should be labeled with its proposed name.
- 2. The plan should clearly identify the demarcation line on Main Street between the MassDOT layout and the resulting access restriction to the property, and the County/Town layout.
- 3. The plan should show the existing sidewalk on Main St.
- 4. The proposed water line for lot 2 crosses over lot 1 with an easement.
- 5. It appears that the plan legend lists items that the plan does not show, and that the plan shows items that are not clearly identified in the legend. It would be helpful to match the legend to the plan.
- 6. The applicant has requested a waiver from SRR 5.3.9 to allow street/house numbers not be shown at this time. The street number determination can take place while waiting for percolation and deep hole test for the septic systems.
- 7. The proposed pavement width in the new street is 24 feet. Only 20 feet is required by the SRR. The width should be reduced to the minimum requirement.
- 8. The plan should show existing conditions as they are now, without the houses, trees, stone walls, etc.

- 9. Stone walls and trees that still remain should be labeled for preservation whenever possible, without question the stone wall section and tree(s) within the Main Street layout.
- 10. There are no planting details shown and no Registered Landscape Architect stamp as required by the SRR sections 5.3.11, 9.8 and SRR planting details.
- 11. The application does not contain a proposed restrictive covenant. This is fine. I then assume that applicant does not envision any variations from the standard restrictive covenant form of the SRR (SRR section 5.2.13).
- 12. I recommend that the Board invoke SRR section 8.1.8 to restrict direct driveway access from the proposed lots to Main Street (non-access reservation).
- 13. The profile drawing for the proposed street should follow the street around the cul-de-sac circle instead across the island. The profile around the circle is necessary to verify minimum and maximum grades SRR 8.1.13, Table II.
- 14. The centerline diameter of the cul-de-sac loop should be labeled "100' minimum", not +/-100' (SRR 8.1.18.1.a).
- 15. The cul-de-sac center island landscaping is missing from the plan (SRR 8.1.18.1.d).
- 16. The applicant should consider a T-turnaround as per SRR 8.1.18.2 to reduce pavement surface.

Recommendation

The Board and the applicant should agree to a mutually acceptable hearing continuation and decision time extension that will allow resolution of the issues raised here and in the other departmental reviews.

Cc: Applicant
Manager Department

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TOWN OF ACTON

472 Main Street Acton, Massachusetts, 01720 Telephone (978) 264-9628 Fax (978) 264-9630

Engineering Department

INTERDEPARTMENTAL COMMUNICATION

To: Planning Department

Date: January 15, 2010

From: Engineering Department

Subject:

Review of Definitive Subd. entitled Michele Circle - 348-352 Main Street

We have reviewed the above referenced Definitive Subdivision Plan dated May 16, 2009 & December 16, 2009 and found that it complies with all the requirements of the Town of Acton Subdivision Rules and Regulations except for the following:

- 1. The applicant has indicated in the submittal that they plan to construct the road in accordance with the Subdivision Rules and Regulations so Michele Circle will be accepted as a public way.
- 2. Prior discussions have indicated that the rights in Isaac Davis Way extend to Main Street. If the Town accepts Michele Circle as a public way, we are not sure how those rights could potential impact/obstruct the town way.
- 3. Michele Circle is shown to have a pavement width of twenty-four (24) feet. The Subdivision Rules and Regulations only require the pavement width to be twenty (20) feet for low intensity roads.
- 4. The K-values for the crest-vertical and the sag-vertical curves on Michele Circle do not comply with the minimum allowable K-values listed in Table II (Vertical Design Standard). The applicant should seek a waiver from this requirement. We do not foresee an issue with this waiver due to the small nature of the project.
- 5. There is insufficient information shown on these plans to allow us to review the design of the loop turnaround. The proposed road profiles on the Plan and Profile Sheet should be modified to follow the centerline of the turnaround.
- 6. Need to label the centerline radius of Michele Circle to demonstrate compliance with Table ! (Horizontal Design Standards).
- 7. The sight distance along Main Street for Michele Circle should be labeled on the plan. The 2008 Hayward Road / Main Street (Route 27) Intersection Study determined the 85% percentile speed on Main Street between the Route 2 ramps and Hayward Road is 34 mph for the northbound traffic and 37 mph for the southbound traffic. The posted

speed limit for this section of Main Street is 35 miles per hour.

- 8. The engineer has indicated that all the curbing along the proposed road will be sloped granite. We recommend that the granite curbing be set at 30-degree angle from the vertical plane instead of 45-degrees as shown on the sloped granite curb detail.
- 9. All of the radiuses for the face of curb in the roundings should be labeled on the Plan and Profile sheets.
- 10. The engineer has indicated that a proposed sidewalk will be constructed along Main Street from the end of the existing sidewalk by Route 2 to Michele Circle. They also indicate a sidewalk to be constructed along Michele Circle. There is no grass strip being proposed in conjunction with these sidewalks. We recommend that the sidewalk be constructed with a minimum 5 foot wide grass strip. It is our opinion that the sidewalk shown along Michele Circle would be more beneficial if it was constructed along Main Street extending to Hayward Road. There is a gap in the sidewalk on this side of Main Street between Route 2 and Hayward Road.
- 11. The plan should show a gap in the proposed curbing to allow for an accessible sidewalk ramp on Michele Circle at Main Street. The accessible sidewalk ramp needs to be designed/constructed in compliance with the Architectural Access Board Standards.
- 12. The applicant should also be responsible to remove the existing driveway fro 348 Main Street, install a curb similar to the curbing on Main Street to fill-in the gap which exists for the driveway, reconstruct the sidewalk at this location and loam and seed the road shoulder.
- 13. During previous discussions related to this site, proposals have been shown to relocate the existing crosswalk on Main Street at the Route 2 westbound ramps to a new location by Isaac Davis Way. Concerns were raised about the proximity of the crosswalk on Main Street at the Route 2 westbound ramp and the potential conflicts.
- 14. If the applicant is required to install a crosswalk, it should be painted in the same manner as other existing crosswalks in Acton. The Town typically paints a one foot wide white line on either side of the five foot wide crosswalk with white cross hatching in-between.
- 15. Prior to the final plan approval/endorsement, the applicant should be required to propose street addresses for the subdivision on labeled it on these plans. The applicant will need to obtain final approval for the street addresses from the Engineering, Police and Fire Departments.
- 16. The existing catch basin on Main Street by Route 2 is not shown on these plans. The plans show a drain pipe from the location of this catch basin on Main Street heading towards the driveway for house #348. These plans should specify if the invert information and the intent for this pipe. The engineer should add a note to require this pipe to be cleaned/repaired as necessary.
- 17. A note should be added to the plans stating that sub-drains should be installed along cut sections for the roadways and as deemed necessary.

- 18. The engineer has documented that the site has been designed to comply with the groundwater recharge standard as specified in the Massachusetts Stormwater Policy. The engineer needs to demonstrate compliance with the Town's regulations showing that the amount of annual precipitation being captured and recharged to groundwater on-site shall not be reduced due to the proposed development.
- 19. The engineer has indicated that a catch basin frame and grate will be installed on the manhole structure in the road shoulder at the end of Michele Circle (MH#2). The engineer should look to the feasibility of re-grading the area around this drainage structure so that it is located in a depression and replace the standard flat roadway grate with a bee-hive grate. The bee-hive grate in a depression will hopefully be more effective and less likely to clog as quickly a standard flat grate if the road shoulder is covered with leaves.
- 20. The proposed manhole on Lot #2 next to the proposed dwelling is shown to be a proposed pretreatment device that will help to improve the water quality prior to discharging into the infiltration basin. The engineer has specified a precast concrete Stormceptor (STC 900). The Stormceptor is designed to collect and store sand, sediment, debris and hydrocarbons prior to discharge. This unit will require routine cleanings with a vacuum truck. The Town will not be able to utilize our existing catch basin cleaning equipment to remove this build-up of material in this structure. Also, the location of the Stormceptor is problematic for routine maintenance since the only legal access is the easement area. We would recommend relocating the Stormceptor unit to one of the drainage structures at the end of Michele Circle to allow this unit to be accessible from the road without the need to drive across the proposed grassed area for Lot #2.
- 21. The engineer should add some spot grades along Main Street to ensure no puddles are formed due to the new roadway and/or the existing driveway being removed.
- 22. The engineer should look at Isaac Davis Way and the abutting properties that drain towards Michele Circle to determine if there is a need to propose some additional catch basins at the intersection of Isaac Davis Way and Michele Circle to prevent excess runoff from sheeting across the road and potential causing icing problems.
- 23. The engineer should add a note stating if a drainage or run-off problems occur during construction, the applicant shall take immediate corrective measures.
- 24. The proposed stormwater operation and maintenance plan for the associated drainage facilities will be in effect for the developer as they construct the project. If the Town accepts Michele Circle as a Town road, the scheduled maintenance and inspection requirements should then revert to Acton's town-wide stormwater operation and maintenance policy that is currently in-place.
- 25. The Applicant should add a note on the plan which states that the proposed dwelling locations and tree lines are only representational and dwellings may be built in another location within the allowable building envelope and additional trees may be removed.
- 26. The engineer should clearly label the existing chain gate that blocks access onto Isaac Davis Way. This gate should be shown with notes indicating if it will remain, be

- relocated, and/or replaced.
- 27. The engineer should show a street name sign to be installed at the intersection with Main Street.
- 28. The proposed street name and stop signs can be attached on the same post to minimize the number of sign posts on the road shoulder. A stop line should be shown on Michele Circle at the intersection with Main Street.
- 29. The engineer states the elevations are referenced to an assumed vertical datum Topography and all elevations shall be referenced to the National Geodetic Vertical Datum of 1929 with the location and elevation of the starting bench mark along with the two temporary benchmarks.
- 30. The engineer should clearly label the layouts for Main Street to show the limit of the State Layout for Route 2 and the 1954 county layout for Main Street.
- 31. The new access is located on the Town-controlled portion of Route 27. This will require permits from the Town for the work within the public way such as the relocated driveway, underground utilities, etc...
- 32. Any work proposed within the State layout portion of Route 2 will require a permit from the Massachusetts D.O.T.
- 33. The engineer needs to show a 10' Wide Utility, Construction and Slope Easement along Michele Circle.
- 34. The Record Plan should show road bounds to be set at the two (2) property corners demarcating the right sideline of Michele Circle.
- 35. Any existing and proposed survey monumentation should be clearly labeled on all the plan sheets. There should be a note on the plans requiring these survey points to be marked in the field prior to construction. The note should also state that if these survey markers are damaged or destroyed during construction that the applicant will hire a registered land surveyor to reset the monuments and certify the new locations.
- 36. There should be notes stating that the potable water system (water mains, services, hydrants, etc...) will conform to the requirements of the Acton Water District.
- 37. Final approval for the locations of the fire alarm call boxes and the hydrant need final approval from the Acton Fire Chief.
- 38. The Engineer should include a note to state that the developer is responsible to clean up any sand, dirt or debris which erodes from the site onto Main Street or private property, and to remove silt or debris that enters any existing drainage system including catch basin sumps, pipe lines, manholes, and ditches.
- 39. The line type used on the Definitive Subdivision Plan (sheet 3) for the proposed silt fence is shown in the legend to demarcate proposed property lines. This information should be revised so that it is consistent.

- 40. We recommend that the engineer require a temporary crushed stone construction entrance to tray and prevent material from being tracked onto Main Street by the construction equipment.
- 41. The engineer should add the following notes about paving the roads:
 - The binder course of pavement for the roads shall be exposed to one winter season (Nov. 15 - April 30) prior to the application of the wearing course.
 - Prior to the installation of the wearing surface on the road, the binder surface shall be swept clean, dried if necessary, patched and treated with an asphalt emulsion or tack coat to ensure a satisfactory bond between the pavement courses. It should also require that the wearing course would not be applied until all construction on lots is in the opinion of the Board completed or substantially completed.
 - No paving shall take place after November 15th of any given year.
 - Any fill material used shall be free of hazardous materials and construction debris.
- 42. The right sideline of Isaac Davis Way is shown abutting the side property line for 6 Isaac Davis Way. This will increase the zoning setback for 6 Isaac Davis Way from a sideline setback requirement to a front yard setback requirement.
- 43. The engineer should add a notes stating that all loam and other yielding material shall be removed from the roadway area and replaced with suitable material.
- 44. The Engineer should add the following notes about monumenting the street:
 - The stone bounds shall be of granite six (6) inches square by four (4) feet long and shall be set flush with the finished grade.
 - The magnetized masonry nails demarcating the centerline of the road at all points of change in direction or curvature shall be set in the final wearing course of pavement.
 - No permanent monuments shall be installed until all construction that would destroy or disturb the monuments is completed.
- 45. The Engineer should add the following notes about the proposed street name sign on the plan:
 - The street name sign shall be of the same type now existing in the Town and shall meet the specifications of the Acton Highway Department. The sign shall be erected prior to construction of the first house on the street.
 - From the time of rough grading until such time as Michele Circle is accepted
 as a public way, the signpost shall have affixed thereto a sign designating the
 street as a private street.

Kim DelNigro

From: Justin Snair

Sent: Monday, January 25, 2010 1:36 PM

To: Planning Department

Cc: Doug Halley

Subject: 348-352 Main St Review

The Health Dept. has reviewed the definitive subdivision plan for 348-352 Main St and has the following comments:

- Because the previous 348 Main St dwelling has been razed, the existing leach field intended
 to serve the proposed dwelling at 348 Main St must be proven complaint with Title V.
 Condition and offset to groundwater must be determined and soil suitability assessments
 must be conducted with in the field location.
- Soil suitability assessment has not been conducted in the proposed SAS area intended to serve the proposed dwelling at 350 Main St and therefore the Health Dept is unable to determine adequate SAS sizing or if proposed area can accommodate design flow.
- No SAS reserve area has been proposed for either property.

Regards,



Justin T. Snair
Environmental Health Agent
Health Department
Town of Acton
P:978-264-9634
F: 978-264-9630



Kim DelNigro

From: Kate Chung [katewchung@yahoo.com]

Sent: Friday, January 15, 2010 8:55 PM

To: Kim DelNigro

Cc: Sidewalk Committee

Subject: Re: Review - Michele Definitive Subdivision

Hi Kim -

The Sidewalk Committee has reviewed the Michele Circle Subdivision plans and has some comments for the Planning Board.

We are happy to see sidewalks along Michele Circle and Main Street. However, the sidewalks are placed directly alongside the road without a grassy strip. Grassy strips are important for several reasons, the most important being pedestrian safety and snow storage. This is particularly important along Main Street.

We would recommend that the Planning Board negotiate a grassy strip with a minimum width of 4 feet along Main Street. We would also encourage that you negotiate the same along Michele Circle.

Please let me know if you have any questions or if these comments should be submitted via some other method.

Best regards, Kate Chung Sidewalk Committee

--- On Tue, 12/29/09, Kim DelNigro < kdelnigro@acton-ma.gov > wrote:

From: Kim DelNigro kdelnigro@acton-ma.gov Subject: Review - Michele Definitive Subdivision To: "Sidewalk Committee" <sc@acton-ma.gov Date: Tuesday, December 29, 2009, 4:48 PM

Hello Everyone:

I have placed an application for a Definitive Subdivision for Michele Circle at 348, 350, 352 Main Street on the table at the Town Hall mailboxes.

When you get a chance could you please stop by Town Hall and pick it up. I have also attached my cover sheet.

Thanks so much!

Sincerely,

Kim DelNigro
Secretary for Planning & Engineering Departments
472 Main Street
Acton, MA 01720
978-264-9636 (office)
978-264-9630 (fax)
kdelnigro@acton-me.gov



			LILL JAN 13 201
Date:	12/23/09	-	
То:	Assessors Conservation Commission Fire Department Historical Commission Municipal Properties Water District	Building Commissioner Town Engineer Health Department Sidewalk Committee Police Department, fyi Mark Hald, fyi	PLANNESS DEPARTMENT
From:	Kim DelNigro, Secretary		
Subject:	Review of Definitive Subdivision	Plan entitled "Michele C	ircle"
	is an application for approval for a about the proposed developmen		ntitled " <u>Michele Circle</u> ". General
Location: Applicant: Address: Owner: Engineer: Lots: Street Nas Street Ler Map: Parcels: Zoning: Decision I	2 Lan Drive, Westford, MA Walker Realty, LLC Hancock Associates 2 me: Michele Circle ngth: 263 +/- F-3 54, 61, 61-1 R-2		
later than	view the enclosed application an <u>February 1, 2010</u> . The public he any questions, please call the Pla	aring is scheduled for Fe	bruary 16, 2010 at 7:45 PM. If
Review Co	omments: We are conc	ernd that th	e houses should not
turn	their backs on Ma	in St. They	Should relate
700 c	Main St. Any	Walls rev	naing after the
Pre	p work Shortd	- De prese	crued
Signature:	Kenber Don Ho	he Date:	1/13/10

ACTON PLANNING DEPARTME Inter-departmental Memory 978-264-9636

Kim DelNigro

From: David Schmidt

Sent: Thursday, February 11, 2010 9:12 AM

To: Kim DelNigro Subject: RE: taxes

Good morning Kim:

Per your request below, all three (3) properties are current on their Real Estate property taxes...i.e., Q3 taxes have been paid. \$3,174.38 was paid by Walker Realty LLC on 1/22/2010. This higher amount was due to the fact that they were late paying Q1 and Q2, 7 days and 2 days respectively.

Regards,

Dave S.

From: Kim DelNigro

Sent: Wednesday, February 10, 2010 9:16 AM

To: David Schmidt **Subject:** taxes

Hi Dave,

Good morning!

At your earliest convenience, could you let me know if 348, 350, 352 Main Street - Michele Circle Definitive Subdivision has paid their Quarter 3 taxes?

When I had spoken to you over a month ago and they would owe the Town \$ 3,171.51 as of 2/1/2010.

Thanks so much!

Kim

ACTON PLANNING DEPARTMENT

Inter-0	departi	mental	Memo
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Па	fo-
IJa	re:

12/23/09

To:

Steve Barrett, Finance Director

From:

Kim DelNigro, Secretary for Planning Dept.

Subject:

Review of Definitive Subdivision Plan entitled "Michele Circle"

348, 350, 352 Main Street

Map: F-3, Parcels: 54, 61, 61-1

The Planning Board has received an application for the above referenced subdivision and is scheduled to hold a public hearing on February 16, 2010. Please advise the Board of any delinquent taxes owed on the property at this time. If any property taxes are overdue, the Planning Board will include a condition requiring tax payment in their decision.

No property taxes due at this time.

The following property taxes are overdue at this time: $\omega o / 1/6/2010$

348 Main St. #0.95 350 Main St. #0.71 352 Main St. #1.19

Signature

Date

Thank you for your attention to this request.

Q3 purts. due 2/1/2010 348 Main St. \$ 1/56.50 350 Main St. \$ 549.40 352 Main St. \$ 1,465.61

\$3,171.51

ON PLANNING DEPARTMENT Inter-departmental Memo

Date:	12/23/09
To:pranne	Assessors

Conservation Commission

Fire Department Historical Commission **Municipal Properties**

Water District

Building Commissioner

Town Engineer Health Department Sidewalk Committee Police Department, fyi

Mark Hald, fyi

From:

Kim DelNigro, Secretary

Review of Definitive Subdivision Plan entitled "Michele Circle" Subject:

Attached is an application for approval for a definitive subdivision entitled "Michele Circle". General information about the proposed development is as follows:

Location:

348, 350, 352 Main Street

Applicant:

Walker Realty, LLC

Address:

2 Lan Drive, Westford, MA 01886

Owner:

Walker Realty, LLC **Hancock Associates**

Engineer:

Lots:

Street Name:

Michele Circle

Street Length:

263 +/-

Map:

F-3

Parcels:

54, 61, 61-1

Zonina:

R-2

Decision Due:

March 18, 2010

Please review the enclosed application and send your comments to the Planning Department no later than February 1, 2010. The public hearing is scheduled for February 16, 2010 at 7:45 PM. If you have any questions, please call the Planning Department at 264-9636. have no comment at this time. 780 CM R MA Stoke building coole

ACTON MUNICIPAL PROPERTIES DEPARTMENT

INTERDEPARTMENTAL COMMUNICATION

To: Kim DelNigro, Planning Department Secretary

Date: 12/28/09

From:

Dean A. Charter, Municipal Properties Director

Subject:

"Michele Circle" definitive subdivision review

I have reviewed the plans submitted and inspected the site of the above proposed Subdivision. My comments are as follows:

- Section 9.8.1 of the Subdivision Rules and Regulations require that Street Trees be planted at not more than 50 foot intervals "where trees are lacking". Virtually the entire parcel under development has been stripped of vegetation. It appears that the engineer has relied upon an old "Existing Conditions Plan" that was prepared prior to the demolition of the structures and the clear cutting and stripping of the parcel, and is taking credit for vegetation that no longer exists. The plan should be revised to show a minimum of four (4) more Street trees to be planted adjacent to the right of way of Michele Circle.
- 2. By the same token, the plans submitted show a substantial number of trees preserved along Main Street. In fact, all those trees have been removed, except for a 48 inch diameter Oak that lies within the Main Street right of way. It appears that at least six (6) street trees should be planted along Main Street, plus that strip revegetated in accordance with Section 9.8.4 of the Subdivision Rules and Regulations.
- 3. The plans submitted show a cul-de-sac island. The engineer should submit a landscape detail for this island in compliance with Section 8.1.18.1 d of the Subdivision Rules and Regulations.

